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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 003194

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TAGS: PGOV PREL KDEM UN IZ

SUBJECT: UNAMI WANTS TO DECONFLICT ARTICLE 140 REPORTS FROM SFA NEGOTIATIONS; KURDS WON'T GET MUCH IN NEXT ROUND; UN INTEREST IN "GRAND BARGAIN"

Classified By: Classified By: Deputy PolCouns D'Elia: Reasons 1.4 (b and d).

¶11. (C) Summary: The UN will finish its Article 140 reports on the Disputed Internal Boundaries (DIBs) issues by early November, but UNAMI Deputy Gilmour told S/A Krajewski October 2 that they want to avoid disturbing the political atmosphere prior to conclusion of U.S.-Iraq SFA negotiations. He has heard from some CoR members that they want to delay signing the agreement until after the change in U.S. Administrations. He believes a "bridging" Security Council resolution (UNSCR) will provoke less Russian opposition than we might think, since the Russians would prefer UN sanction for U.S. troops in Iraq rather than a long-term bilateral agreement. Gilmour said the UN expects criticism for its Article 140 reports from all sides, but especially from the Kurds, who will get "not much" new territory. The UN will present four options for Kirkuk Province, none of which looks like it could attract consensus support. The UN remains interested in exploring what a "grand bargain" on outstanding Baghdad-Erbil political disputes might look like, and flagged a soon-to-be-released ICG report. End summary.

UNAMI Concentrating on Article 140 Process to Solve DIBs

¶12. (C) In an October 2 meeting with Senior Advisor Krajewski, UNAMI's Political Director Andrew Gilmour revealed internal UN deliberations on political issues following passage of the Provincial Elections Law. Gilmour said the UN will cooperate with efforts by the Council of Representatives (COR) but does not plan to push for establishment (under article 24 of the Provincial Elections Law) of the committee on Kirkuk. Gilmour said UNAMI is almost finished with its work on the status of the disputed internal boundaries (DIBs) issues under Article 140 of the constitution, and that would remain its primary focus. "It never occurred to me that this (Article 24 of the Provincial Elections Law) will be the solution," he said. One thing that has slowed the drafting of reports has been the lack of authoritative sub-district boundaries, a result of Saddam's numerous politically motivated boundary changes.

UNAMI Hopes to Avoid Conflict Between DIBs and SFA Negotiations

¶13. (C) Gilmour confirmed UNAMI's second and final round of reports on the disputed areas would be finished by the beginning of November, following which SRSG de Mistura will decide when the political atmosphere is right for discussions with the various parties. Gilmour agreed UNAMI will share the reports with us privately first. Then it will share them with the PM, Kurdish officials, and other interested parties.

The UN expects criticism from all sides, but does not plan to revisit its findings based on the decibel level of reactions. Gilmour said the UN wants to be careful not to complicate U.S.-Iraq negotiations on the Strategic Framework Agreement (SFA), and asked whether the U.S. wants the UN to avoid releasing its reports prior to completion of an SFA. Gilmour said UNAMI officials understand that senior U.S. military officials want them to withhold dissemination of the report, but UNAMI wants to be sure that Embassy Baghdad is comfortable with a delay, perhaps until the end of November if there is no SFA passed by the CoR before then.

Some Iraqis Want to Delay SFA Agreement until New U.S. Administration

¶4. (C) As an aside, Gilmour said he has heard from a number of CoR members that they hope to avoid signing an SFA until after the next U.S. administration takes power, as a way to ingratiate Iraq with the next President. He acknowledged that absence of an SFA by the end of the year would severely complicate UNAMI's own operations and the administrative preparations for provincial elections in January. Gilmour noted that, with regard to a possible bridging UNSCR, the Russians might be less of a problem than we fear, since they have a strong preference for UN authorization for U.S. troops rather than a long term bilateral agreement between Iraq and the U.S.

Kurds Won't Like UNAMI's Options for Kirkuk

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¶5. (C) Gilmour agreed to provide a short preview of where UNAMI expects to come out on DIBs territorial disputes, commenting that this second and final set of reports would delve into sub-district demography, history, politics and economics to support findings on most of the disputed areas. On Kirkuk, the UN would offer a range of four options: 1) separate administrative status (perhaps as a stand-alone region) within the province's current borders; 2) dual GOI and KRG administration, with an oversight committee that includes the GOI, KRG, UN, and perhaps the U.S. and EU; 3) a confederated province of three ethnically-oriented (Kurdish, Arab, and Turkomen) districts, either within the KRG or outside it; and 4) dismembering the current province (with the northern half joining the KRG, the southern half joining Salah ad-Din Province, and the city given special administrative status like Baghdad). Gilmour expects criticism from all sides. The Kurds have already told the UN they do not want to accept any resolution that puts Kirkuk outside the KRG, and might even reject dual administration. According to Gilmour, the Sunni Arabs from Hawija in western Kirkuk Province would "go to war" if their district was separated from Kirkuk city.

KRG to Get Pieces of Ninewa

¶6. (C) Kurdish hopes will mostly be dashed by UNAMI's other recommendations. Gilmour said UNAMI has found no groundswell of support among the Yezidis of Sinjar District in Ninewa Province for joining the KRG. UNAMI staff also had concerns that Sinjar is not contiguous with other parts of the KRG, although Gilmour said the preference of local residents is his primary concern. The UN will recommend that Tal Afar District (also in Ninewa) be split approximately in half, but the KRG will get less territory than Kurdish officials hoped. UNAMI staff members commented that KRG authorities have not pressed (with any passion) for Tel Keif District, so will get at most a third of it, the sub-district of Faida formerly administered by Dohuk and perhaps al Qosh. Regarding Sheikan

District, the UN will recommend it rejoin Dohuk Province, although Gilmour said the Yezidis there would seek guarantees of local autonomy.

UNAMI Probably Will Reject KRG Claim to Khanaqin

17. (C) UNAMI staff have not yet visited Tuz District in Salah ad-Din Province. They want to visit soon, but also would be interested in discussing further with U.S. officials. The UN must consider whether to recommend that the predominantly Turkomen district rejoin Kirkuk, which would change that Province's ethnic proportions. In Diyala Province's Kifri District, the Kurds have good claim to Karatapa sub-district.

It is unclear to the UN whether the city of Kifri is above the Green Line and should be administered by the KRG.

Khanaqin District in Diyala will also be complicated, according to Gilmour. The KRG has good claim to the two northern sub-districts, according to UNAMI, while the two southern sub-districts should stay with Diyala. That leaves the central sub-district containing Khanaqin city. UNAMI officials are leaning toward recommending this stay with Diyala; although overwhelmingly a Kurdish town, Khanaqin is populated by Faili Kurds who look to the Shia parties (chiefly ISCI) for political representation, not the Kurdish parties.

UNAMI Still Interested in Pursuing Grand Bargain

18. (C) The International Crisis Group is preparing a paper, due out shortly, promoting a "Grand Bargain" to solve many of Iraq's thorny political problems. According to Gilmour, the main thrust of the paper will be that the KRG does not gain Kirkuk Province but gets concessions on non-territorial issues like the ability to contract with oil companies independent of Baghdad. (Note: This is the opposite from what KRG leaders have recently told us they want. They claim they are willing to give up an independent claim to Kirkuk's oil to gain agreement to a plan that allows Kirkuk's citizens to choose whether to join the KRG. End Note.) Gilmour said the UN is still interested in exploring what a grand bargain might look like, and asked about the final version of the Zelikow Report.

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COMMENT: UN Anxiety

19. (C) Gilmour was very sensitive to the timing of U.S. negotiations on the SFA and the possible release of UNAMI's DIBs reports. He wanted our assurance that the U.S. would not criticize UNAMI for another delay in the issuance of the reports (noting that UNAMI had originally promised them by April 10, 2008). Privately, he told S/A Krajeski that SRSG de Mistura feared that the USG would "sell out UNAMI's DIBs proposals" by offering to "give Kirkuk to the Kurds" in exchange for assurances that Kurdish support for the SFA remained steadfast. Krajeski said this was ridiculous, Kurd support for the SFA was solid, and we couldn't deliver Kirkuk to them in any case. UNAMI's position with UN HQ in NY is more solid following de Mistura's "triumph" with the provincial election law, but they remain exceptionally skittish about the negative local reaction to the DIBs reports and continued USG support for the process. End comment.

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